

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:19-cv-00049-MR**

MATTHEW JAMES GRIFFIN,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FNU HOLLAR, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on Plaintiff's Motion to Stay Proceedings. [Doc. 94].

Pro se Plaintiff Matthew James Griffin ("Plaintiff") is a prisoner of the State of New Mexico currently incarcerated at Lea County Correctional Facility in Hobbs, New Mexico. He filed this action on April 30, 2019, pursuant to 42 U.S.C. § 1983, asserting claims he alleges arose while he was incarcerated at Alexander Correctional Institution in Taylorsville, North Carolina. [Doc. 1]. Plaintiff's Complaint survived initial review on November 26, 2019 as to Plaintiff's Eighth Amendment claim based on deliberate indifference to his serious medical needs and as to his claims for violation of the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973. [Doc. 10]. Defendants moved for summary judgment motion on April 21,

2021. [Doc. 80]. Plaintiff responded, [Doc. 89], and the matter is ripe for disposition.

Plaintiff now moves the Court to stay the proceedings in this matter for 120 days. [Doc. 94]. As grounds, Plaintiff states that he was transferred to a different correctional facility on September 7, 2021 and that all his legal documents, case files, and law books remain at his previous facility. [Id. at 1]. Plaintiff contends that he “cannot respond or prosecute in this matter without [his] legal materials.” [Id.].

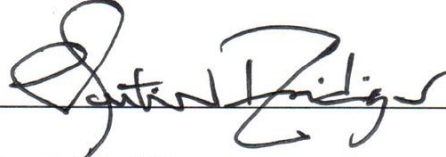
The Court will deny Plaintiff’s motion. There is nothing for Plaintiff to do in this case but await the Court’s ruling on Defendants’ summary judgment motion. A stay is, therefore, unnecessary. Should this action survive summary judgment and if Plaintiff is still without access to his legal property then, Plaintiff may renew his motion to stay at that time, but not before. Plaintiff is admonished, however, that he should include documentation evidencing the unavailability of the legal property he requires with any such motion.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff’s motion [Doc. 94] is **DENIED** in accordance with the terms of this Order.

IT IS SO ORDERED.

Signed: September 22, 2021

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge

